

### **REMARKS/ARGUMENTS**

This Amendment is in response to the Office Action mailed January 10, 2007.

In the Office Action, the Examiner rejected claims 31-53 on the ground of nonstatutory obviousness-type double patenting.

Reconsideration in light of the amendments and remarks made herein is respectfully requested.

#### ***Double Patenting***

Claims 31-53 stand rejected under the judicially created doctrine of the obviousness-type double patenting of claims of U.S. Patent No. No. 6,732,071.

The Examiner asserts that although the conflicting claims are not identical, they are not patentably distinct from each other because the claims in the instant application are similar in the scope and content of the patented claims 1-25 of U.S. Patent No. 6,732,071.

In response, Applicant respectfully submits herewith a Terminal Disclaimer in compliance with 37 CFR 1.321(c), which is attached to this Response.

Applicant believes that this rejection is now moot and respectfully requests that the Examiner withdraw the obviousness-type double patenting rejection of claims 31-53.

**Conclusion**

In view of the remarks made above, it is respectfully submitted that pending claims 31-53 are allowable over the prior art of record. Thus, Applicant respectfully submits that all the pending claims are in condition for allowance, and such action is earnestly solicited at the earliest possible date. The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application. To the extent necessary, a petition for an extension of time under 37 C.F.R. is hereby made. Please charge any shortage in fees in connection with the filing of this paper, including extension of time fees, to Deposit Account 02-2666 and please credit any excess fees to such account.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 4/6/2007

By

  
Eric T King

Reg. No. 44,188

Tel.: (714) 557-3800 (Pacific Coast)

**Attachments**

12400 Wilshire Boulevard, Seventh Floor  
Los Angeles, California 90025

---

**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8A)**

*I hereby certify that this correspondence is, on the date shown below, being:*

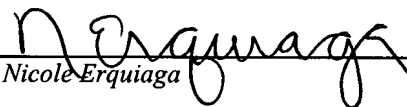
**MAILING**

☒ deposited with the United States Postal Service  
as first class mail in an envelope addressed to:  
Commissioner for Patents, PO Box 1450,  
Alexandria, VA 22313-1450.

Date: 4/6/2007

**FACSIMILE**

☐ transmitted by facsimile to the Patent and  
Trademark Office.

  
Nicole Erquiaga

4/6/2007

Date